



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 28, 1994

Ms. Christine Rodriguez
Staff Attorney
Legal Services, 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR94-110

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552 (formerly V.T.C.S. art. 6252-17a).¹ Your request was assigned ID# 18156.

The Texas Department of Insurance (the "department") has received a request for the minutes of a certain meeting. Specifically, the requestor seeks "a copy of the Texas HMO Solvency Surveillance Committee for the meeting of November 13, 1992." You advise us that some of the requested information will be released to the requestor. You claim, however, that the request encompasses the certified agenda of the executive session of the meeting. You claim that this information is excepted from required public disclosure by section 552.101 of the act in conjunction with the Texas Open Meetings Act, Government Code chapter 551 (formerly V.T.C.S. art. 6252-17). We agree. *See* Open Records Decision No. 495 (1988) (holding that certified agenda or tape of executive session held under the exceptions of the Texas Open Meetings Act is deemed confidential by law within the meaning of section 552.101).² Accordingly, the certified

¹We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

²In Attorney General Opinion DM-284 (1994) at 5-6, this office determined that the governing body of the Texas Health Maintenance Organization Solvency Surveillance Committee is a governmental body subject to the Open Meetings Act. We note that this office may not consider in response to a request under the Open Records Act whether a matter was properly considered in executive session. Open Records Decision No. 495 at 2.

agenda of the executive session must be withheld from required public disclosure under section 552.101 of the act. The remaining information, however, must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Mary R. Crouter".

Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/GCK/rho

Ref.: ID# 18156

cc: Mr. John A. Callaghan
Contract Administrator
Sanus/New York Life Health Plan, Inc.
3800 Buffalo Speedway, Suite 200
Houston, Texas 77098-3799